

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DONALD WILLIAMS,

Plaintiff,

-against-

**ORDER**

**14-CV-183 (NGG) (LB)**

THE CITY OF NEW YORK, THE NEW  
YORK CITY POLICE DEPARTMENT,  
POLICE OFFICER JESSE ULLGER,  
*individually and in his official capacity as New  
York City Police,*

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Donald Williams, proceeding pro se, commenced this Section 1983 action on January 8, 2014, asserting claims of false arrest, unlawful imprisonment, negligent supervision, malicious prosecution, and assault and battery. (Compl. (Dkt. 1); see also Am. Compl. (Dkt. 17).) Pre-trial proceedings were referred to Magistrate Judge Lois Bloom. During a conference before Judge Bloom on January 6, 2015, at which time Plaintiff was represented by counsel and was not proceeding pro se, the parties settled the case on the record. (See Jan. 6, 2015, Min. Entry.) However, Plaintiff subsequently refused to sign a written settlement agreement (see Pl.'s Feb. 3, 2015, Ltr.-Mot. for Hearing (Dkt. 27)), and during an ensuing conference before Judge Bloom, Plaintiff—proceeding pro se once again—asserted that he had not intended to agree to a settlement (see Feb. 12, 2015, Scheduling Order). Judge Bloom directed Defendants to file a motion to enforce the oral settlement, and set a briefing schedule. (Id.) Defendants served their motion to enforce the oral settlement on May 14, 2015. (See Not. of Mot. (Dkt. 34).) Plaintiff did not serve or file a timely response, and Defendants filed the motion unopposed on July 13, 2015, the date on which their reply would have otherwise been

due. (See Defs.' July 13, 2015, Ltr. (Dkt. 38).) The court referred the motion to enforce the oral settlement to Judge Bloom for report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (July 17, 2015, Order (Dkt. 39).)

On September 9, 2015, Judge Bloom issued a Report and Recommendation (the "R&R") recommending that the court grant Defendants' motion to enforce the on-the-record settlement agreement. (R&R (Dkt. 40).) In the R&R, Judge Bloom first held that the parties intended to be bound by their oral settlement, recorded during the January 6, 2015, conference before her. (Id. at 6.) In addition, although Plaintiff did not oppose Defendants' motion, Judge Bloom held that the oral settlement was not voidable for duress—as Plaintiff had claimed during a February 2015, conference—because nothing in the record reflected that the settlement was the result of economic duress, and Defendants' threat of proceeding with litigation against Plaintiff and deposing him absent settlement was not unlawful. (Id. at 7.)

No party has objected to Judge Bloom's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 8 ("[T]he parties shall have fourteen (14) days from service of this Report to file objections. . . . Failure to file a timely objection to this Report generally waives any further judicial review.")) Therefore, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM), 2010 WL 985294, at \*1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); see also Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007) (summary order); cf. 28 U.S.C. § 636(b)(1).

Reviewing for clear error, the court finds none. Accordingly, the court ADOPTS IN FULL Judge Bloom's R&R, and grants Defendants' motion to enforce the parties' on-the-record settlement agreement. Pursuant to the terms of that agreement, the court DISMISSES this action

with prejudice. Defendants are DIRECTED to make all reasonable efforts to contact Plaintiff, and to arrange for the payment to Plaintiff of the agreed-upon settlement amount of \$20,000. Defendants are further DIRECTED to provide a status report to the court by December 15, 2015, regarding their efforts to locate Plaintiff and to execute payment of the settlement amount. Finally, the Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
October 5, 2015

s/Nicholas G. Garaufis  

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NICHOLAS G. GARAUFI  
United States District Judge